HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER NO. 1000 OF 2005

Sureshsingh G. Thakur. ..Appellant.
Versus.

The State of Maharashtra & Ors. ..Respondents.

Shri. M.P.Mishra for the Appellant.

Shri. R. M. Sawant for the respondent No.2.

CORAM: DR.D.Y. CHANDRACHUD J.

DATE : DECEMBER 6, 2005.

P.C.

1. A structure known as "Sureshsingh Thakur Chawl" came within the alignment of the Goregaon-Mulund Link 90-feet D.P. Road of which construction has been undertaken by the MMRDA under the MUIP Project. On 27th October 2005, a learned Single Judge noted in the present proceedings that the structure has been demolished, and that in view thereof there is no question of the Court granting ad-interim relief at this stage.

2. In the affidavit-in-reply, it has been stated that after the interim order of the Trial Court came to an end on 20th September 2005, the Second Respondent demolished the Chawl on 22nd September 2005. It has been stated that a total of 137 structures were affected by

the 90-feet D.P. Road, including the chawl in question. 67 occupants have been allowed alternate accommodation at Oshiwara and the tenements have been handed over. 40 occupants have been found prima facie eligible by the Deputy Collector, Encroachment and the final verification is being completed pending which temporary transit accommodation is provided.

3. Insofar as the appellant is concerned it may be noted that he claims an interest on the basis of a sale-deed of the year 1977 which admittedly is unregistered. Similarly, there was a Deed of Confirmation of 2000 which was executed only by the appellant. Neither of these documents would confer title. The structure of the chawl was in the occupation of the tenants to whom alternate accommodation has been provided in accordance with the policy of the State Government of rehabilitating occupants of a date prior to 1st January 1995.

4. On behalf of the Appellant, it has been submitted that the Appellant was also an occupant of the premises. If this be so, it will be open for him to prove that he himself was an occupant and is, therefore, eligible for allotment of alternate accommodation. Any such claim shall be considered in accordance with law

subject to proof of occupancy prior to the cut off date. Save and except for this clarification, there is no merit in the appeal which accordingly stands dismissed.

(DR. D.Y. CHANDRACHUD, J.)